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International Land Acquisitions, Inc. v. Pennsylvania Pub. Util. Comm., 743 A.2d 1000 (Pa. Commw. Ct. 1999)

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PENNSYLVANIA

International Land Acquisitions, Inc. v. Pennsylvania Pub. Util. Comm., 743 A.2d 1000 (Pa. Commw. Ct. 1999) (granting respondent's motion to quash appeal improvidently filed where petitioner did not move to amend or present a petition for review).

On December 16, 1998, the Pennsylvania Public Utilities Commission ("PUC") held that Pennsylvania American Water Company did not violate its tariff by requiring International Land Acquisitions, Inc. ("ILA") to pay the cost of installing an additional water line to serve ILA's proposed development. On April 27, 1999, ILA filed a notice of appeal with the commonwealth court. In Pennsylvania, a petition for review, not a notice of appeal, was the only procedure for judicial review of a determination of a government agency. This error came to the attention of counsel for ILA during an argument for supersedeas, however, ILA did not move to amend, nor file a petition for review.

PUC then moved to quash ILA's appeal on June 11, 1999. ILA contended that all of the requirements of a petition for review were present in its notice of appeal. However, there was no general statement of the objections to the order or other determination as required under the Pennsylvania Rules of Appellate Procedure. ILA requested that the court deny the motion, or in the alternative, that it be permitted to amend its pleading. Still, ILA did not make a motion to amend or submit a petition for review.

Almost four months after ILA's counsel received actual notice that its notice of appeal was improvidently filed, this court noted that ILA continued to insist that its notice of appeal was adequate. Therefore, due to ILA's obdurate noncompliance, the court granted PUC's motion to quash the appeal.

Adam B. Kehrli

O'Neal v. Department of the Army, 742 A.2d 1095 (Pa. Super. Ct. 1999) (holding that the Comprehensive Environmental Response, Compensation, and Liability Act's ("CERCLA") jurisdictional limitation to federal district courts had to be strictly construed and that CERCLA did not provide a waiver of sovereign immunity for claims based on state law).

Well water users and other users of a tract of land brought suit against the Department of the Army seeking medical monitoring to help them detect disease that may arise as a result of exposure to contaminants. This case had been in litigation in both state and federal courts for nearly a decade.

Prior to this proceeding, the Pennsylvania Supreme Court held that plaintiffs had made out a prima facie case under the Pennsylvania Hazardous Sites Cleanup Act ("HSCA") for medical monitoring. They